

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:05-CR-148
)	(Phillips / Guyton)
JERMAINE HUGHES and)	
VICENTE CORONA,)	
)	
Defendants.)	
)	

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This case is before the Court on defendant Jermaine Hughes' Motion To Extend Motion Deadlines and Continue Motion Hearing Dates [Doc. 240], filed on January 19, 2007. The request was precipitated by the Court's appointment of replacement counsel for Mr. Hughes at a hearing held December 18, 2006 [Doc. 232]. After receiving proof at the hearing, the Court found it appropriate to appoint new counsel for Jermaine Hughes. Attorney Michael Coleman was present in the courtroom and accepted the Court's appointment. Mr. Coleman immediately made an oral motion to continue the trial date; defendant Corona objected to a continuance of either the motions hearing scheduled to begin on that date or the trial date. The Court granted the motion to continue and this matter was set for trial on July 24, 2007, before the District Court [Doc. 232] with a consistent pre-trial conference date. Accordingly, the Court set new deadlines for the filing of any pre-trial motions and set a corresponding date for the hearing of such motions [Doc. 232].

Defendant Hughes' motion sets forth a number of valid grounds for extension of the motions cut-off deadline and rescheduling of the motions hearing date [Doc. 240]. At the time attorney Coleman was appointed to represent Mr. Hughes, the deadline for filing pre-trial motions had already passed. Further, counsel for Mr. Hughes advises the Court that he has received notice to appear before the Sixth Circuit Court of Appeals in another matter. In addition, the motion cites additional time required for review and preparation of the case, given counsel's relatively recent appointment.

On January 22, 2007, defendant Vicente Corona lodged a vigorous objection to continuance of any deadlines or pre-trial proceedings [Doc. 241]. From his Response in Opposition to Co-Defendant Hughes' Motion to Continue and Corresponding Motion to Dismiss, or, in the Alternative, for Severance, it is clear that defendant Corona is principally concerned with maintaining the trial date of July 24, 2007. Defendant Corona reiterates his objection to the repeated delay posed by defendant Hughes and asks for relief from the Court should the dates be extended. Defendant Corona asks that the indictment be dismissed or, in the alternative, that his case be severed from that of defendant Hughes.

Assistant United States Attorney Mike Winck informs the Court that the government does not object to extension of the motions cut-off deadline or the hearing date, so long as these do not jeopardize the trial date [Doc. 242].

The Court appreciates the goal of maintaining the trial date as expressed by the government and defendant Corona. When the trial date was scheduled all parties were present and represented by the attorneys who will be trying the case. While no party in this or any other case can predict what may transpire to cause delay of a trial date, this Court has set this matter for trial

on July 24, 2007, and expects all parties to take the trial date seriously. It is not inconsistent with the existing trial date to afford defendant Hughes the opportunity to properly prepare his defense and have any pre-trial motions heard before the Court. Defendant Corona's objections having been previously addressed by this Court's findings in the Memorandum and Order issued December 20, 2006 [Doc. 232], his requests for relief in Response in Opposition to Co-Defendant Hughes' Motion to Continue and Corresponding Motion to Dismiss, or, in the Alternative, for Severance [**Doc. 241**] are **DENIED**. Finding that he has shown good cause for an extension, defendant Hughes' Motion To Extend Motion Deadlines and Continue Motion Hearing Dates [**Doc. 240**], is **GRANTED**.

The Court extends the deadline for filing pre-trial motions to **March 9, 2007**. The deadline for response to pre-trial motions is **March 23, 2007**. A hearing will be conducted for pending motions on **April 2, 2007**, beginning at **9:00 a.m.**, and resuming as necessary on **April 3, 2007**, at **9:00 a.m.** All other dates in this case shall remain the same

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge